

1 THE HONORABLE BENJAMIN H. SETTLE  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 MULTICARE HEALTH SYSTEM, d/b/a GOOD  
14 SAMARITAN HOSPITAL,

15 Plaintiff,  
16 v.

17 KATHLEEN G. SEBELIUS, Secretary of the  
18 United States Department of Health and Human  
19 Services,

20 Defendant.

21 No. C12-05546-BHS

22 STIPULATION AND ORDER  
23 AMENDING BRIEFING SCHEDULE

24 **Note on Motion Calendar for:**  
25 **November 1, 2012**

26 NOW COME the Parties, Plaintiff Multicare Health System, d/b/a Good Samaritan Hospital (the  
27 “Hospital”) and Defendant Kathleen G. Sebelius, Secretary of the United States Department of Health  
28 and Human Services (the “Secretary”), and request that the Court enter this Stipulation and Order,  
thereof, respectfully represent as follows:

29 This case was filed on June 21, 2012, by the Hospital, seeking judicial review of a final decision  
30 of the Provider Reimbursement Review Board (“PRPB” or “Board”), a component of the United States  
31 Department of Health and Human Services (“HHS”).

32 On October 8, 2012, this Court entered an Order setting aside its standard Pre-Trial Order  
33 Regarding Initial Disclosures, the Joint Status Report and Discovery Plan, based on the fact that this

34 STIPULATION AND  
35 ORDER AMENDING  
36 BRIEFING SCHEDULE – 1  
(C12-05546-BHS)

37 UNITED STATES ATTORNEY  
38 700 STEWART STREET, SUITE 5220  
39 SEATTLE, WASHINGTON 98101-1271  
(206) 553-7970

1 case constitutes "an action for review on an administrative record" within the meaning of Fed. R. Civ.  
2 P. 26(a)(1)(E)(i), and is therefore exempt from the requirements of Fed. R. Civ. P. 26(f). Instead, upon  
3 the stipulation of the parties, the Court entered a Stipulated Scheduling Order, establishing a briefing  
4 schedule for the parties to file cross-motions for summary judgment pursuant to Fed. R. Civ. P. 56.  
5 Under the provisions of that Stipulated Scheduling Order, the first motion would be due November 2,  
6 2012, and the briefing would be completed as of January 4, 2013.

7 Since October 8, 2012, when the Stipulated Scheduling Order was entered, the parties have made  
8 good progress in settlement negotiations. They are now cautiously optimistic that this case can be  
9 resolved by agreement without the need for further briefing. Accordingly, the parties respectfully  
10 request that the Court amend the Stipulated Scheduling Order to provide for an extension of  
11 approximately 30 days of the various deadlines established in that Order. Amending the Stipulated  
12 Scheduling Order is in the interests of justice because it will permit the parties to devote their full  
13 attention to settlement discussions, and allow them to avoid the considerable cost otherwise associated  
14 with filing cross-motions for summary judgment and briefing in support thereof.

15 Accordingly, through their counsel of record, the Hospital and the Secretary hereby respectfully  
16 request that the Court enter as an ORDER the following STIPULATION establishing the following  
17 schedule for the briefing and submission of cross-motions for summary judgment in this case:

18 1. The Secretary shall file and serve her Motion for Summary Judgment and supporting  
19 memorandum on or before Friday, December 7, 2012.

20 2. The Hospital shall file its Opposition to Plaintiff's Motion for Summary Judgment and a  
21 Cross-Motion for Summary Judgment on or before Friday, January 4, 2013.

22 3. The Secretary shall file her Opposition to the Hospital's Cross-Motion for Summary  
23 Judgment, and her Reply to the Hospital's Opposition to the Secretary's Motion for Summary Judgment  
24 no later than Friday, January 18, 2013.

25 4. The Hospital shall file its Reply to the Secretary's Opposition no later than Friday, February  
26 1, 2013.

27 5. Both Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for  
28 Summary Judgment shall be noted on the Court's motion calendar for Friday, February 1, 2013.

STIPULATION AND  
ORDER AMENDING  
BRIEFING SCHEDULE – 2  
(C12-05546-BHS)

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101-1271  
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**SO STIPULATED.**

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4 DATED: November 1, 2012

5 Respectfully submitted,

6 JENNY A. DURKAN  
7 United States Attorney  
Western District of Washington

8 By: s / Peter A. Winn  
9 PETER A. WINN  
Assistant United States Attorney  
10 Attorneys for Defendant

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**SO STIPULATED.**

12 DATED: November 1, 2012

13 By: s / Teresa A. Sherman  
14 TERESA A. SHERMAN  
Sherman Law Office, PLLC  
15 Attorney for Plaintiff

16 **SO ORDERED.**

17 DATED: November 5, 2012.

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20 BENJAMIN H. SETTLE  
21 United States District Court Judge

